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Cc: []
Bcc: CN=Jayne Carlin/OU=R10/O=USEPA/C=US[]
From: CN=Jayne Carlin/OU=R10/O=USEPA/C=US
Sent: Mon 6/20/2011 3:27:45 PM
Subject: Oregon's Strategy and Approach to Developing Implementation Ready TMDLs

Hi All,

We are thrilled with the additional funds.

As discussed with Menchu, I agreed to forward Oregon's proposals for revising their TMDL program to develop implementation Ready TMDLs where the TMDLs would be developed at a scale of 12 to 14 digit HUC (watershed and subwatershed scale) for impairments that would benefit from detailed source analysis and implementation planning. See below.

I am available to discuss this further....

Total Maximum Daily Loads Internal Management Directive
<http://www.deq.state.or.us/wq/standards/docs/toxics/humanhealth/rulemaking/TMDLIMD.pdf>

For the past decade, DEQ's TMDL program had been driven by a consent decree between the US Environmental Protection Agency (EPA) and Northwest Environmental Defense Center (NEDC), John R. Churchill, and Northwest Environmental Advocates (NWEA) approved and signed on October 17, 2000 regarding the establishment of TMDLs based upon the February 1, 2000 MOA between EPA and DEQ. The Consent Decree specified the cumulative number of TMDLs to be established through 2010 and in December 2010 DEQ met the conditions of the consent decree.

Anticipating the change in the TMDL program expected from meeting the consent decree, DEQ began evaluating the effectiveness of the way TMDLs are developed and implemented in Oregon. In an issue paper Total Maximum Daily Loads for Reducing Toxic Pollutants in Oregon Waters from non-NPDES (National Pollutant Discharge Elimination System) Sources (DEQ, 2011) DEQ proposed to improve TMDLs by providing better source assessment information to guide implementation planning where needed. Changes DEQ is proposing come from feedback received from stakeholders, tribal nations, and staff about Oregon's TMDL program.

In addition to Consent Decree Era "Basin Scale TMDLs" that maximize the number of stream segments addressed, DEQ will begin shifting some of its resources to develop "Implementation Ready TMDLs" that incorporate more rigorous implementation planning during TMDL development. These two different approaches to TMDL development are defined as:

Oregon traditional Basin Scale TMDLs: TMDLs that are developed at a scale of 6 or 8 digit HUC (Basin and Subbasin scale) for impairments such as temperature and bacteria.

Implementation Ready TMDLs: TMDLs that are developed at a scale of 12 to 14 digit HUC (watershed and subwatershed scale) for impairments that would benefit from detailed source analysis and implementation planning.

The purpose of this internal management directive (IMD) is to provide DEQ staff with a consistent framework for developing and implementing TMDLs as the TMDL program documents methods and incorporates new approaches to developing and implementing TMDLs.

Issue Paper: Total Maximum Daily Loads for Reducing Toxic Pollutants in Oregon Waters from Non-NPDES (National Pollutant Discharge Elimination System) Sources Human Health Toxics Rulemaking
<http://www.deq.state.or.us/wq/standards/docs/toxics/humanhealth/rulemaking/TMDLIssuePaper.pdf>
 The Environmental Quality Commission (EQC) directed the Oregon Department of Environmental Quality (the department) to review existing rules and implementation strategies to identify gaps and propose

strategies, including rule changes, that would reduce toxic pollutants in Oregon waters that come from nonpoint sources and other sources not regulated by permits under section 402 of the federal Clean Water Act.

The department considered a number of items for inclusion in the Human Health Toxic Pollutants and Implementation Policies Rulemaking. One of the methods the department included in the rulemaking was for the department to develop Total Maximum Daily Loads (TMDLs) with other partners that better identified the sources of pollutants. In addition, the proposed TMDL method would be more useful for pollutant reduction by nonpoint sources by having better information on how to implement the TMDL.

I am still waiting for their schedule for TMDL implementation ready TMDL development although I already know that the mid-coast TMDLs are the first ones and must be submitted to EPA (and NOAA) by June 30, 2012.

On June 30, DEQ will be submitting the initial draft document on Water Quality Implementation Plan Guidance for Urban/Rural Residential Land Uses within the Coastal Area for EPA and NOAA's review and comment. These TMDL guidelines need to incorporate the new development management measure requirements or practices.

Cheers,

Jayne

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